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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,230	06/01/2001	Calvin L. Fort	2017.64648	2385

7590 05/20/2003

Paul G. Juettner, Esq.  
GREER, BURNS & CRAIN, LTD.  
300 South Wacker Drive  
Suite 2500  
Chicago, IL 60606

EXAMINER

DONOVAN, LINCOLN D

ART UNIT PAPER NUMBER

2832

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/872,230

Applicant(s)

Fort et al.

Examiner

Lincoln Donovan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 11, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) 17, 18, 23, and 24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-16, 19, and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Claims 17-18 and 23-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claimed inventions, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 6.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, applicant should clarify the structure and arrangement of the sensor being held against the product.

Regarding claim 2, applicant should what cable is intended to be received in the cavity.

Regarding claim 3, applicant should clarify what cables are meant by the security cable and the main cable. The specific arrangement and connections of the sensor cable, the "a cable," the security cable and the main cable is unclear.

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Regarding claim 5, applicant should clarify the structure intended by the braided fabric jacket covering both the cable and elastomeric member (grommet).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 11, <sup>and 19-20</sup> ~~19-20 and 22~~, as best able to be understood in view of the rejections under 35 U.S.C. 112, second paragraph, are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyden [US 4,455,464] in view of Leyden et al. [US 5,421,667].

Leyden disclose a mounting assembly [figure 1] for attaching a security sensor [7] having a cable [2, 3] to a product [23] comprising: a shroud [4] having a seat [figure 1] for receiving the sensor and holding it against the product and an internal passage way [figure 1] accommodating the cables.

Leyden disclose the instant claimed invention except for: a fastener extending through the shroud and into the product and fastening both the sensor and the shroud to the product.

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Leyden et al. discloses a mounting assembly [44] for attaching a security device [figure 4] to a product [22] using a fastener [74] extending through the security device into the product [figure 4].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the mounting fastening design of Leyden et al. in Leyden for the purpose of securing the device to the product.

Regarding claims 2-3, Leyden further discloses the mounting assembly including connectors 6, 16] fixed on the shroud within a shroud adapted to receive the cable and cable connectors.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the cable connection design of Leyden in Leyden et al. for the purpose of easily connecting the cables to the sensor.

Regarding claims 4-5, the use of a grommet over the passage and a braided jacket for the cable would have been obvious as a means to protect the wire from chaffing.

6. Claims 7-10, as best able to be understood in view of the rejections under 35 U.S.C. 112, second paragraph, are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyden in view of Leyden et al. as applied to claims 1-2 above, and further in view of Inoue et al. [US 5,570,080].

Leyden, as modified, disclose the instant claimed invention except for an access opening being provided on the internal cavity.

Inoue et al. discloses a security device [2] mounted to a product [20] having a cover [302].

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a cover on the security device of Leyden, as modified, as suggested by Inoue et al., for the purpose of preventing unauthorized access.

The specific means used to cover the security device would have been an obvious design consideration dependent upon the specific intended placement thereof.

7. Claims 15-16, as best able to be understood in view of the rejections under 35 U.S.C. 112, second paragraph, are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyden in view of Leyden et al. as applied to claims 1-2 above, and further in view of Keiger et al. [US 5,146,205].

Leyden, as modified, disclose the instant claimed invention except for: the shroud including a pedestal for mounting within a base.

Keiger et al. discloses a security device for a product having a pedestal [17] extending therefrom for mounting within a base [15, figure 2].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the pedestal/base design of Keiger et al. with the mount of Leyden, as modified, for the purpose of facilitating movement of the product.

*Allowable Subject Matter*

8. Claims 21-22 are allowed.

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9. Claims 6 and 12-14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest, in the claimed combination, the mounting assembly also including a power cable connected to the electrical connectors adapted for electrical connection to the product.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest, in the claimed combination, the fastener extending through the flange and the sensor to attach the sensor to the product or the mean for restricting rotation comprising a pair of wings on the cover plate that extend on opposite sides of the electrical connector.

### *Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

The fax number for this Group is (703)-872-9318.

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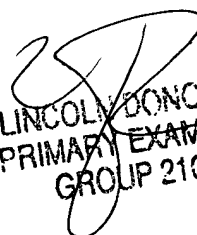
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

LDD

May 14, 2003

  
LINCOLN DONOVAN  
PRIMARY EXAMINER  
GROUP 2100